

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 21, 2006**

DIVISION ONE

B186463      People      (Not for Publication)  
v.  
Steven E. Morrisett

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B181532 People (Not for Publication)  
v.  
Andrew W.

The order under review is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B180646 People (Not for Publication)  
`v.  
Martinez

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

B168730      Olson et al.      (Not for Publication)  
v.  
Automobile Club of Southern California

The judgment is modified by striking \$90,466.85 in expert witness fees awarded to Olson and Seidenberg, and by adding to the award of attorney fees for Olson and Seidenberg the additional sum of \$286,905 for attorney work performed in 2003. In all other respects, the judgment is affirmed. Each party is to bear its own costs on appeal.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

### DIVISION THREE

B181871 People (Not for Publication)  
v.  
Fernandez

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B183562 People (Not for Publication)  
v.  
Hooter

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B164398      Bullock      (Certified for Publication)  
v.  
Philip Morris USA, Inc.,  
Piuze

The judgment is affirmed, and the sanctions order is reversed. Bullock and Piuze are entitled to recover their costs on appeal.

Croskey, J.

I concur: Klein, P.J.  
I dissent: Kitching, J. (Opinion)

April 21, 2006 (Continued)

### DIVISION THREE (Continued)

B183316 People (Not for Publication)  
v.  
Green

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FOUR

B186474      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Larry S.

The order denying family reunification services is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Willhite, J.

B188632      Zikia M.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services , r.p.i.)

The petition is denied.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Willhite, J.

DIVISION FOUR (Continued)

B185162      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Oscar V.

The order is reversed and the cause remanded for compliance with the notice requirements of the ICWA. If, after proper notice, a tribe asserts its right under the ICWA to intervene in the state court, or to obtain jurisdiction over the proceedings by transfer to the tribal court, the cause shall proceed in accordance with the tribe's election. If there is no intervention or assertion of jurisdiction by any tribe after proper notice, then the juvenile court's order shall be reinstated. DCFS is to notify this court forthwith if a tribe asserts its right to intervene or obtain jurisdiction over the proceedings or the juvenile court reinstates its order.

Epstein, P.J.

We concur: Willhite, J.  
Hastings, J. (Assigned)

B181785      Morry Canoa Hills, Inc., et al      (Not for Publication)  
v.  
Best Best & Krieger LLP et al.  
Geri Gibson

The judgment is reversed as to the amount of the award, but in all other respects is affirmed. Gibson is to have her costs on appeal.

Epstein, P.J.

We concur: Curry, J.  
Willhite, J.

B162421      Courdy  
v.  
Paycom Billing Services, Inc., et al.

Filed order denying petition for rehearing.

April 21, 2006 (Continued)

DIVISION FOUR (Continued)

B186923      7-Eleven, Inc., et al.                      (Not for Publication)  
                 v.  
                 Department of Alcoholic Beverage Control

The decision of the Department is reversed and the matter is remanded for further proceedings.

Hastings, J. (Assigned)

We concur:   Epstein, P.J.  
                 Curry, J.

DIVISION FIVE

B182433      Star Investment Co.                      (Not for Publication)  
                 v.  
                 James Delany, as Trustee, etc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur:      Armstrong, J.  
I concur:      Mosk, J. (opinion)

DIVISION EIGHT

B180113      People                                      (Certified for Publication)  
                 v.  
                 Sanchez

The judgment is affirmed.

Boland, J.

We concur:   Rubin, Acting P.J.  
                 Flier, J.

April 21, 2006 (Continued)

## DIVISION EIGHT (Continued)

B177984      People      (Not for Publication)  
v.  
Stewart M.,  
In re Stewart M., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B176239      Silverbrand                      (Not for Publication)  
v.  
County of Los Angeles et al.,

The appeal is dismissed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.

B185544      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Melody S.,  
In re Carmen S., a Person Coming Under the Juvenile Court Law.

The order denying Melody's section 388 petition is affirmed. The order terminating Melody's parental rights is reversed. Upon remand, the trial court is directed to ensure that proper notice is given under the ICWA. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate the judgment. In all other respects, the orders of the juvenile court are affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

April 21, 2006 (Continued)

DIVISION EIGHT (Continued)

B179999     Wallace  
              v.  
              Southwest Airlines Company

Filed order denying petition for rehearing.